

HOUSE No. 3713

By Mr. Patrick of Falmouth, petition of Matthew C. Patrick and others relative to benefits for members of the National Guard exposed to depleted uranium in the Persian Gulf War and the current conflict in Iraq. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Matthew C. Patrick	Jay R. Kaufman
Carl M. Sciortino, Jr.	Robert L. Rice, Jr.
Robert A. O'Leary	Anthony J. Verga
Stanley C. Rosenberg	Stephen L. DiNatale
Cleon H. Turner	J. James Marzilli, Jr.
Gale D. Candaras	Pamela P. Resor
Denise Provost	Barbara A. L'Italien

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO EXPOSURES TO HAZARDOUS MATERIALS BY CERTAIN MEMBERS OF THE NATIONAL GUARD.

1 *Whereas*, The deferred operation of this act would tend to defeat
2 its purpose which is to assist members of the National Guard
3 exposed to hazardous materials, it is hereby declared to be an emer-
4 gency law necessary for the immediate preservation of the public
5 convenience.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. As used in this act the following words shall have
2 the following meanings:—
3 “Eligible members” a member of the Massachusetts army or
4 national guard who served in the Persian Gulf War, as defined in 38
5 USC 101, or in an area designated as a combat zone by the President
6 of the United States during Operation Enduring or Operation Iraqi
7 Freedom;
8 “Veteran” a veteran as defined in clause forty-third of Section 7 of
9 Chapter 4 of the General Laws.

10 “Military physician” includes a physician who is under contract
11 with the United States Department of Defense to provide physician
12 services to members of the armed forces;

13 “Depleted uranium” uranium containing less uranium-235 than
14 the naturally occurring distribution of uranium isotopes;

15 On or before October 1, 2006 the adjutant general shall assist any
16 eligible member or veteran who:—

17 (1) has been assigned a risk level I, II or III for depleted uranium
18 exposure by his branch of service;

19 (2) is referred by a military physician; or

20 (3) has reason to believe that he was exposed to depleted uranium
21 during such service; in obtaining federal treatment services,
22 including best practice health screening test for exposure to depleted
23 uranium using a bioassay procedure involving sensitive methods
24 capable of detecting depleted uranium at low levels and the use of
25 equipment with the capacity to discriminate between different
26 radioisotopes in naturally occurring levels of uranium and the char-
27 acteristic ratio and marker for depleted uranium. No state funds shall
28 be used to pay for such tests or such other federal treatment services.

29 On or before October 1, 2006, the adjutant general shall submit a
30 report to joint committee on veterans and federal affairs on the scope
31 and adequacy of training received by members of the National
32 Guard on detecting whether their service as eligible members is
33 likely to entail, or to have entailed, exposure to depleted uranium.
34 The report shall include an assessment of feasibility and cost of
35 adding pre-deployment training, concerning potential exposure to
36 depleted uranium and other toxic chemical substances and the pre-
37 cautions recommended under combat and noncombatant conditions
38 while in a combat zone.

1 SECTION 2. There is established a task force to study the health
2 effects of the exposure to hazardous materials, including, but not
3 limited to, depleted uranium, as they relate to military service. The
4 task force shall:—

5 (1) Initiate a health registry for veterans and military personnel
6 returning from Afghanistan, Iraq or other countries which depleted
7 uranium or other hazardous materials may be found;

8 (2) develop a plan for outreach to and follow-up of military per-
9 sonnel;

10 (3) prepare a report for service members concerning potential
11 exposure to depleted uranium and other toxic chemical substances
12 and the precautions recommended under combat and noncombatant
13 conditions while in a combat zone; and (4) make any other recom-
14 mendations the task force considers appropriate.

15 The task force shall consist of the following members or their
16 designee: the adjutant general or his designee, the Secretary of vet-
17 erans services, the commissioner of public health, 3 members of the
18 senate and 3 members of the house of representatives, 2 members
19 who are veterans with knowledge of or experience with exposure to
20 hazardous materials, 1 to be appointed by the senate president and 1
21 by the speaker of the house and 4 members who physicians or scienc-
22 tists with knowledge of or experience in the detection or health
23 effects of exposure to depleted uranium or other hazardous mate-
24 rials, 2 to be appointed by the president of the senate and 2 by the
25 speaker of the house.

26 All appointments shall be made within 30 days of the effective
27 date of this act. Any vacancy shall be filled by the appointing
28 authority. The task force shall choose 1 member of the senate and 1
29 member of the house as co-chairmen. The chairpersons shall
30 schedule the initial meeting with the task force within 60 days of the
31 effective date of this act.

32 The staff of the joint committee on veterans and federal affairs
33 shall serve as the administrative staff of the task force.

34 Not later than January 31, 2008, the task force shall submit a
35 report of its findings and recommendation to the joint committee on
36 veterans and federal affairs. The task force shall terminate on the
37 filling of its report or on January 31, 2008, whichever is earlier.